

Before the Board of Zoning Adjustment, D. C.

Application No. 11903 of Philip J. and Kathleen M. Silvers, pursuant to Section 8207.1 of the Zoning Regulations, for variance from the use provisions of Section 3104.3 of the Regulations, for accessory structures in an R-4 zone, to permit use as a dwelling and for a variance from the height provisions for accessory structures of Section 7601.3, as provided by Section 8207.11 of the Regulations, at premises 1312 Independence Ave., S. E. , known as Lot 96, Square 1037.

HEARING DATE: May 21, 1975

DECISION DATE: May 27, 1975

FINDINGS OF FACT:

1. The subject property is improved by a **semi-detached** dwelling used a single-family house and a two-story carriage house-garage.
2. The carriage house-garage is located at the rear of the subject property at the intersection of two alley ways.
3. The applicant proposes to use the upstairs and a portion of the downstairs of the carriage house as habitable spaces.
4. In order to convert the carriage house to habitable space, the applicant must obtain approval from this Board and raise the end of the carriage house nearest the principle dwellings by 4½ feet to meet the **ceiling** height requirement of the building code.
5. **No** alterations are proposed for the principle dwelling.
6. The applicant proposes one dwelling unit only in the carriage house.
7. The applicant would be able to provide one parking space for the proposed carriage house dwelling units.
9. That portion of the carriage house which is now used for a parking garage use will be continued as such.
10. The subject property is located at the "T" junction of two **alleys**.
11. The applicant asserted at public hearing, that because of the location of the carriage house in question (abutting two (2) alleys), and the fact that **it is** vacant and unused except for a garage makes **it** a target for vandalous activities.
12. No opposition was registered to this application, to the contrary, there are numerous letters in the record supporting this application, from residents who live within 200' of the subject property.

OPINION AND CONCLUSIONS OF LAW

Based upon the foregoing findings of fact and the entire record of this case, the Board is of the opinion that the proposed conversion of the carriage (accessory building) house in question into habitable space would not be detrimental to the public good. As reflected in the Board's findings of fact, this carriage house at this point in time is of no practical use to the owner of subject property, except for the parking of one automobile which will continue. The height variance requested is **required** in order that the proposed single family unit comply with the building code ceiling requirements for habitable space.

The Board concludes that the owner of the subject property suffers from a practical difficulty and hardship in his attempt to make a beneficial use of his property, is the carriage house, which has become antiquated in terms of its original purpose. Notice of the hearing of this case having been duly given as required, and no opposition having been registered, the Board concludes, on the basis of the support by property owners of the neighborhood of the subject property, that the granting of this application will not have an adverse affect on nearby or adjoining property.

ORDERED: That the above application be and is hereby GRANTED,

On motion made, duly seconded and carried by a vote 3-1-0 (Mr. Harps dissenting and Mr. Klauber not voting, not having heard the case) the Board voted to GRANT the above application.

BY ORDER OF D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY : *James E. Miller*  
JAMES E. MILLER  
Secretary to the Board

FINAL DATE OF ORDER: *Aug 6, 1971*

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER,